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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/608,916  | 06/26/2003  | Wesley Joseph Dupeire | 030126              | 7066             |
| 36192   | 7590        | 11/17/2004            | EXAMINER            |                  |
| CANTOR COLBURN LLP<br>55 GRIFFIN ROAD SOUTH<br>BLOOMFIELD, CT 06002 |             |                       | GRIER, LAURA A      |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 2644                |                  |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,916

Applicant(s)

DUPEIRE, WESLEY JOSEPH

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/03</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4, 6-7, 11, 14-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Shdema et al., Pub. No. 20020072816.

Regarding claim 1, Shdema et al. (Shdema) discloses an audio system. Shdema's disclosure comprises an audio management system (102) coupled to a wireless transceiver (110) – (audio management system and wireless transceiver), which reads a wireless transmitter; a computerized speaker (figure 1 – reference 114F and page 4, paragraph 0038) coupled to a wireless transceiver (112) indicating a wireless speaker module, and Shdema further discloses multiple wireless transceivers coupled to speakers (page 11, claim 3) – external 1<sup>st</sup> and 2<sup>nd</sup> speaker, which reads on a first and second wireless receiver; further the audio management system (of the audio management system and wireless) determines the network audio control data (paragraph 0038 and 0065) that would constitute the wireless transmitter module transmitting an output signal of a 1<sup>st</sup> and 2<sup>nd</sup> frequency; and the wireless transceivers are connected the computerized speakers, wherein the speakers consist of a high frequency, a mid-high frequency, mid-low frequency and low frequency speaker elements.

Regarding claim 4, Shdema discloses everything claimed as applied above (see claim 1).

Shdema discloses the audio management system and wireless transceiver, wherein the audio management system provides audio control data such as volume, balance, equalization, harmonic envelope, echo and audio effects and the like, which reads on the wireless transmitter module including frequency, volume, balance, fade, tone or equalization adjustments.

Regarding claim 6, Shdema discloses everything claimed as applied above (see claim 1).

Shdema discloses in figures 4-5, 7 and 12, an equalizer and a crossover unit to the computerized speakers coupled to the wireless receiver, which reads on a frequency, and equalization adjustment.

Regarding claim 11, Shdema discloses an audio system. Shdema's disclosure comprises audio system with a plurality of audio sources couple to input to an audio management system (102) coupled to a wireless transceiver (110) – (audio management system and wireless transceiver), which reads a hard-wired stereo component generating output signals and wireless transmitter; a computerized speaker (figure 1 – reference 114F and page 4, paragraph 0038) coupled to a wireless transceiver (112) indicating a wireless speaker module, and Shdema further discloses multiple wireless transceivers coupled to speakers (page 11, claim 3) – 1<sup>st</sup> and 2<sup>nd</sup> speakers, which reads on a first and second wireless receiver; further the audio management system (of the audio management system and wireless) determines the network audio control data (paragraph 0038 and 0065) that would constitute the wireless transmitter module transmitting an output signal of a 1<sup>st</sup> and 2<sup>nd</sup> frequency; and the wireless transceivers are connected the computerized speakers, wherein the speakers consist of a high frequency, a mid-high frequency, mid-low frequency and low frequency speaker elements.

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Regarding claim 14, Shdema discloses everything claimed as applied above (see claim 1).

Shdema further discloses the audio signal output for analog or digital sources, wherein the analog sources may include a media device such as a television set with stereo and surround sound capability (paragraph 0055), which reads on the hired-wired stereo component includes a home stereo system or a surround sound home theater system.

Regarding claim 15 and 7, Shdema discloses an audio system. Shdema's audio system inherently discloses connecting left and right inputs of a wireless transmitter module to left and right wired speaker outputs of a main component of the hired-wired audio system as evident of the fact of the audio sources connected to the audio management system (102) which is coupled to a network for audio output to a plurality of speakers (figure 1), including a wireless transmitter (110); a computerized speaker (figure 1 – reference 114F and page 4, paragraph 0038) coupled to a wireless transceiver (112) indicating a wireless speaker module, and Shdema further discloses multiple wireless transceivers coupled to speakers (page 11, claim 3) – external 1<sup>st</sup> and 2<sup>nd</sup> speaker, which reads on a left and right wireless receiver modules; further the audio management system (of the audio management system and wireless transceiver) determines the network audio control data (paragraph 0038 and 0065) that would constitute the wireless transmitter module transmitting an output signal of different frequencies; and the wireless transceivers are connected the computerized speakers, wherein the speakers consist of a high frequency, a mid-high frequency, mid-low frequency and low frequency speaker elements.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5, 8 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shdema.

Regarding claim 5, Shdema discloses everything claimed as applied above (see claim 1). However, Shdema fails to specifically disclose the wireless transceiver (transmitter) comprising an amplifier. The examiner takes official notice that an amplifier was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shdema by providing an amplifier in the wireless transmitter for the purpose of increasing the strength of the audio signal for adequate transmission of the signal to the receiver.

Regarding claims 8 and 13, Shdema discloses everything claimed as applied above (see claim 1). However, Shdema fails to specifically disclose the wireless transmitter module transmitting via radio or infrared transmission. The examiner takes official notice that the transmission of a signal by a wireless transmitter by radio or infrared transmission was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shdema by providing radio or infrared transmission of the signal via the wireless transmitter for the purpose of utilizing at least one of the commonly used transmission means in art of audio signal broadcasting.



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5. **Claims 2-3 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shdema.

Regarding claim 2, Shdema discloses everything claimed as applied above (see claim 1). However, Shdema fails to specifically disclose the wireless transmitter including an AC power source. The examiner takes official notice that an AC power source was well known in the art. Thus, Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shdema by implementing AC power, such as wired connection to the wall socket for the purpose of supplying efficient power (AC voltage) for initial and adequate performance of the transmitter.

Regarding claim 3, Shdema discloses everything claimed as applied above (see claim 1). Shdema further discloses a power management unit. However, Shdema fails to specifically disclose the wireless receiver comprising AC or DC power source. The examiner takes official notice that AC and/or DC power sources were well known in the art. Thus, Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shdema by implementing AC or DC power, such as wired connection to the wall socket or battery for the purpose of supplying efficient power (AC or DC voltage) for initial and adequate performance of the speakers.

Regarding claim 12, the claimed limitations are interpreted the same as the limitations of claims 2 and 3, together, and thus, are rejected for the same reasons set forth above in claims 2 and 3.

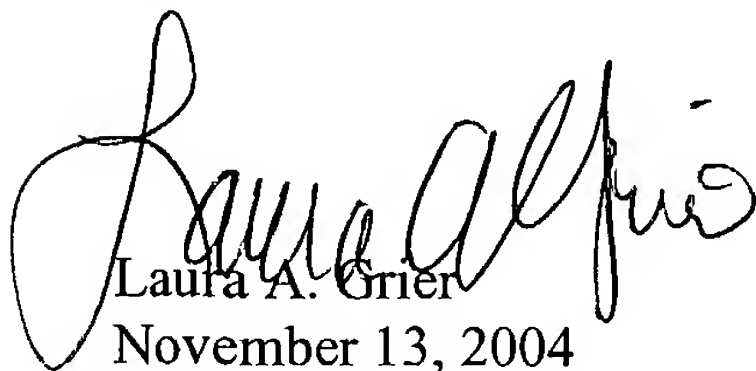
Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
November 13, 2004